

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:19-cv-00224-MR**

THIS MATTER is before the Court on Plaintiff's "Motion for Transcripts
Informa Pauperis" [Doc. 92] and "Motion to Clerk" [Doc. 93].

Pro se Plaintiff Corey Delon Greene (“Plaintiff”) is a prisoner of the State of North Carolina, currently incarcerated at Alexander Correctional Institution (“Alexander”) in Taylorsville, North Carolina. On July 18, 2019, Plaintiff filed this action pursuant to 42 U.S.C. § 1983 claiming his rights under the First Amendment and the Religious Land Use and Institutionalized Persons Act (“RLUIPA”), 42 U.S.C. § 2000cc-1, were violated while he was incarcerated at Avery/Mitchell Correctional Institution in Spruce Pine, North Carolina, because Defendants refused to recognize the Nation of Gods and Earth (“NGE”) as a religion. [Doc. 1]. On January 5, 2022, the Court granted summary judgment in favor of Defendants. [Doc. 83]. Shortly thereafter, the

Court denied Plaintiff's motion for reconsideration. [Doc. 89]. Plaintiff filed a notice of appeal. [Doc. 90]. Plaintiff also filed a motion to appeal in forma pauperis with this Court, which the Clerk transferred to the Fourth Circuit. [Doc. 91; 3/8/2022 Docket Entry].

Plaintiff now asks the Court, “[p]ursuant to 28 U.S.C. § 753(f)..., [to] certify that an appeal for this case is not frivolous.” [Doc. 92]. Section 753(f) provides, in pertinent part, that “[f]ees for transcripts furnished in other proceedings to persons permitted to appeal in forma pauperis shall [] be paid by the United States if the trial judge or a circuit judge certifies that the appeal is not frivolous (but presents a substantial question).” 28 U.S.C. § 753(f). The Court will deny this motion. There are no transcripts in this case and, therefore, no reason for the Court to certify that the appeal is not frivolous under this provision.

Plaintiff also asks the Court for a copy of his motion for reconsideration with attachments. The Court will provide Plaintiff with the requested documents.

ORDER

IT IS, THEREFORE, ORDERED that Plaintiff's Motion [Doc. 92] is **DENIED**.

IT IS FURTHER ORDERED that Plaintiff's Motion [Doc. 93] is
GRANTED.

The Clerk is respectfully instructed to send Plaintiff a copy of Docket Nos. 85 and 85-1 through 85-3.

IT IS SO ORDERED.

Signed: March 17, 2022



Martin Reidinger
Chief United States District Judge 